GIBSON DUNN

Gibson, Dunn & Crutcher LLP

1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Tel 202.955.8500
www.gibsondunn.com

Theodore B. Olson
Direct: +1 202.955.8668
Fax: +1 202.530.9575
TOlson@gibsondunn.com

October 12, 2011

VIA ECF

Catherine O'Hagan Wolfe
Clerk of Court
United States Court of Appeals for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: *Viacom International, Inc. et al. v. YouTube, Inc.et al.*, No. 10-3270
The Football Association Premier League Ltd. et al. v. YouTube, Inc. et al., No. 10-3342

Dear Ms. Wolfe:

I write on behalf of Appellants Viacom International et al. in case 10-3270 (the Viacom Appellants) and Appellants in the related case 10-3342 (the Class Appellants) in response to the Court's September 27 invitation to the parties to consult with each other with respect to the configuration of the October 18 oral argument.

Appellants have conferred with Appellees. Appellants propose that oral arguments in the two related cases be consolidated into a single oral argument (with opening arguments for Appellants to be followed by an argument of Appellees and then rebuttal arguments of Appellants, if any) with each party retaining its allotted time (12 minutes for the Viacom Appellants, 12 minutes for the Class Appellants, and 24 minutes for YouTube). Appellants' suggestion is in accordance with the approach suggested by Appellees in their previous motion to consolidate the appeals. Appellees' Mot. to Consolidate Appeals 6, Oct. 5, 2010, Case No. 10-3270 Dkt. 42-2.

Appellants believe that given the substantial commonality of the legal issues presented in the two appeals, consolidation of the oral arguments is appropriate and will assist the Court as it explores the issues and how they apply to the factual record developed in each case. Appellees take no position on Appellants' proposal.

Whatever the Court decides with respect to the configuration of the oral argument, the preparations of all parties would be aided by the earliest possible disposition.

Very truly yours,

/s/ Theodore B. Olson

Theodore B. Olson

Cc: Ms. Deborah Holmes
Case Manager, Clerk's Office